

CRIMINAL Docket No.		1127		2	Assigned
District		Off	Judge/Magistr.	2706	2706
Misd.					
Felony					

WRT		VS.	
JUVENILE		MITCHELL, TERRY	
ALIAS		a/k/a "Fat Boy"	
OFFENSE ON INDEX CARD			

Docket No.		02	94	94-0062-02
Def.		19	No. of	Def's U.S. MAG. CASE NO. 94-00371, 02

U.S. TITLE SECTION

OFFENSES CHARGED

ORIGINAL COUNTS

DISM.

NG

REDACTED INDICTMENT FILED WITH COURT AT TRIAL

21/846 Conspiracy (Ct. 1)
 21/848 Engaging in continuing criminal enterp. (Ct. 2)
 21/841 & Possession with intent to distribute a
 18/2 Schedule II Controlled Substance-cocaine,
 aiding & abetting (Cts. 21, 23)
 18/924 Use of a firearm during crime (Ct. 24)

1

1

3

1

X

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

DATE DOCUMENT NO.	Yr. 94	Docket No. 62	Def. 02	MASTER DOCKET - MULTIPLE DEFENDANT CASE		PAGE 1 OF 1	VI. EXCLUDABLE DELAY			
				X PROCEEDINGS DOCKET FOR SINGLE DEFENDANT			Start Date	End Date	Ltr Code	Total Days
(OPTIONAL) Show last names of defendants										
				V. PROCEEDINGS						
2-15-94	1			Complaint filed.						
2-15-94	2			Defendant's financial affidavit.						
2-16-94	3			Warrant for arrest issued.						
2-16-94				INITIAL APPEARANCE before Magistrate Judge Carroll.						
2-16-94	4			Government's motion for detention.						
2-16-94	5			Magistrate Judge Carroll's ORDER of temporary detention pending a preliminary/detention hearing set on 2-18-94 @ 2 p.m., in the 3rd floor courtroom. (Copies furnished: USA, USM, USPO, USPTS). (Continued to 2/22/94 @ 3:00 p.m.)						
2-22-94	6			CJA 20 ORDER entered by Magistrate judge Carroll appointing Honorable David R. Boyd to represent defendant in all further proceedings. (Copy of file hand del. to atty; Voucher placed in mail to atty.)						
2-22-94				PRELIMINARY/DETENTION HEARING.						
2-22-94	7			Magistrate Judge Carroll's ORDER finding probable cause; defendant bound over to the district court for further action. (Copies mailed to counsel; furnished: USA, USM, USPO, USPTS).						
2-22-94	8			Courtroom deputy's minutes and witness list.						
2-23-94	9			U. S. Magistrate Judge Carroll's ORDER OF DETENTION pending trial. (Copies mailed to counsel; furnished to: USA, USM, PTSO).						

2-24-94	1			Indictment filed.						
2-25-94	3			Magistrate Judge Coody's ORDER to U. S. Marshal tp produce defendant for arraignment on March 9, 1994 @ 2:00 p.m., in first floor courtroom. (Copies furnished to: USA, USM, USPO, USPTS; mailed to: counsel).						
2-28-94	17			Magistrate Judge Coody's ORDER that a special arraignment is hereby set on March 9, 1994 @ 2pm , in the first floor courtroom, Federal Building & U. S. Courthouse, Montgomery, AL; that pursuant to Rule 17.1, of F.R. Cr.P., a pretrial conference be and is hereby set on March 9, 1994, immediately following arraignment. (Copies furnished to USA, USM, USPO, USPTS). (Copy mailed to counsel).						
3-1-94	31			U. S. Marshal's return jon warrant for arrest of defendant; executed 2/16/94. (on Magistrate's warrant)						
3-3-94	39			ARRAIGNMENT NOTICE. (3-9-94 at 2:00 p.m., first floor courtroom, Montgomery, AL.)						
3-1-94	62			Return on service of lis pendens (Rt. 1, Box 152, Castleberry) on Judge of Probate, Conecuh Co. Courthouse on 2/28/94.						

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs

NORTHERN DIVISION

MITCHELL, TERRY

AO 256A •

94-0062-02

Yr. Docket No. Def.

DATE (Document No.)	PROCEEDINGS (continued)	Page 2	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
3-7-94	91 ORDER OF RECUSAL by Judge DeMent pursuant to 28 U.S.C. § 455 (1993); that the Clerk is DIRECTED to assign this case to another district judge; that all defendants who have filed motions, on which this Judge has ruled, may refile said motions with the judge to whom the case is reassigned. (Copy mailed to all counsel; furnished: USA, USM, USPO, USPTS).					
3-7-94	CASE RE-ASSIGNED TO JUDGE HOBBS.					
3-8-94	CASE RE-ASSIGNED TO JUDGE THOMPSON.					
3-9-94	ARRAIGNMENT. Defendant appeared with counsel of record and entered a plea of not guilty. Trial continued.					
3-11-94	157 Magistrate Judge Coody's ORDER ON ARRAIGNMENT in that defendant plead NOT GUILTY, setting this case for trial 4-25-94. (Copy mailed counsel; furn. USA,USPO,USM.)					
3-11-94	165 Magistrate Judge Coody's ORDER that on or before 4/8/94, the Govt. provide counsel for defts. with all discovery; that the Govt. use its best efforts to provide early discovery according to a schedule set forth in order; that all discovery motions will be summarily DENIED by the court as further set forth in order; all discovery motions to be filed on or before 4/18/94 and reciprocal discovery on or before 4/8/94. (Copies mailed to counsel; furn. USA.)					
3-14-94	167 ORDER setting another STATUS CONFERENCE for 4/14/94 at 2:00 p.m., Federal Courthouse, Montgomery. (Copy mailed counsel; furn. USA.)					
3-17-94	194 Defendant counsel [David R. Boyd] motion for withdrawal and substitution of counsel. Ref. to Magistrate Judge Coody. GRANTED 3-17-94					
3-17-94	195 Magistrate Judge Coody's ORDER GRANTING motion of counsel [David Boyd] to withdraw; appt. Hon. Daniel R. Farnell, Jr. to represent the defendant. (Copy mailed counsel; furn. USA,USPO.)					
3-17-94	196 CJA 20 order appointing Hon. Daniel R. Farnell, JR. Voucher #0680008					
3-23-94	213 CJA 20 Order appointing Hon. Mary E. Pilcher in place of Daniel R. Farnell. Voucher #0680015.					
3-29-94	223 SUPERSEDING INDICTMENT.					
3-30-94	225 Magistrate Judge Coody's ORDER DIRECTING the U.S. Marshal to produce the defendant for arraignment on 4/14/94 at 11:00 a.m., 2nd floor courtroom. (Copy mailed counsel; furn. USA,USPO,USM.)					

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE	PROCEEDINGS (continued) (Document No.)	Page 3	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
4-7-94	255 Arraignment notice (4-14-94 at 11:00 a.m.)					
4-8-94	272 Attorney Ivan M. Tobias' notice of appearance on behalf of defendant.					
4-13-94	279A Counsel's [Mary E. Pilcher] motion to withdraw. Referred to Magistrate Judge Coody. Motion GRANTED 4-14-94 (Copy mailed counsel; furn. USA,USPO.)					
4-14-94	ARRAIGNMENT on superseding indictment. Defendant appeared before Magistrate Judge Coody with counsel of record and entered a plea of not guilty to all charges in the superseding indictment. Trial continued.					
4-15-94	284 Magistrate Judge Coody's ORDER ON ARRAIGNMENT as to the superseding indictment accordance with the provisions of Rule 10 whereas defendant entered a plea of NOT GUILTY. (Copy mailed counsel; furn. USA,USPO,USM.)					
4-14-94 4-18-94	300 Motion to intervene by Marie Thomas. DENIED 5-16-94 302 ORDER continuing the trial of this case to 8/1/94 at 10 a.m. 2nd floor courtroom, Federal Courthouse, Montgomery; that the parties are allowed until 5/13/94 to complete all discovery and until 6/13/94 to file all pretrial motions. (Copy mailed counsel; furn. USA,USPO,USM.)					
4-15-94	314 Attorney Ivan M. Tobias' motion to appear <u>pro hac vice</u> pursuant to Local Rule 1. \$10.00 fee paid - receipt #51207. Referred to Judge Thompson. M/GRANTED 5/2/94.					
5-2-94	319 ORDER granting attorney Ivan M. Tobias' motion to appear <u>pro hac vice</u> . (Copies mailed to all counsel of record; furnished: USA, USM, USPO, USPTS).					
5-2-94	321 ORDER setting motion to intervene filed by Marie Thomas on 4/14/94, for hearing on May 13, 1994 @ 3:00 p.m., in the second floor courtroom, of Federal Courthouse, Montgomery, AL; that the government is DIRECTED to file a response to the motion by 5/11/94. (Copies mailed to all counsel of record; furnished: USA, USM, USPO, USPTS).					
5-6-94 5-16-94	325 Govt.'s response to motion to intervene. 334 ORDER denying motion to intervene filed by Marie Thomas on 4/14/94; that the motion to strike plaintiff's response to motion to intervene filed on 5/12/94, by Marie Thomas is hereby denied; that in the event the Court Orders a forfeiture of the real property located at 747 Club, 2015 Congressman Dickinson Boulevard, Montgomery, AL, or \$15,059 in currency seized pursuant to a search warrant from Rt. 1, Box 152, Castleberry, AL, the Government must provide Marie Thomas with direct written notice of the forfeiture					

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs

NORTHERN DIV.

MITCHELL, TERRY

94-00062-02

AO 256A

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued) (Document No.)	Page 4	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
cont....	Order in a timely manner. EOD: 5/16/94. (Copies mailed to all counsel of record; intervenor's counsel; furn.: USA, USM, USPO, USPTS).					
5-25-94	338 Regina Franklin's MOTION for Order directing notice of forfeiture of real property and claim thereto. Referred to Judge Thompson. GRANTED/DENIED 6-20-94					
6-6-94	340 ORDER that Regina Franklin's motion for notice of forfeiture is set for submission, without oral argument on June 20, 1994, with all briefs due by said date. (Copy mailed to all counsel of record; Atty. Teague; furnished: USA, USPO, USPTS).					
6-6-94	343 SUPERSIDING INDICTMENT FILED.					
6-8-94	344 Government's response to motion of Regina Franklin for Order directing notice of forfeiture of real property and claim thereto. Referred to Judge Thompson.					
6-10-94	356 Defendant's Motion for Suppression of Evidence [evidence seized as a result of invalid arrest]. MEMORANDA incorporated. Referred to Judge Thompson. DENIED 11-4-94					
6-10-94	357 Defendant's Motion for Suppression of Evidence [re Castleberry, AL address] and MEMORANDUM of Law. Referred to Judge Thompson. DENIED 11-4-94					
6-10-94	358 Defendant's Motion for Suppression of Evidence [re Miami, Fl address] and MEMORANDUM of Law. Referred to Judge Thompson. DENIED 11-4-94					
6-13-94	371 Defendant's motion for severance and memorandum of law. Referred to Judge Thompson. Referred to Magistrate Judge Coody. DENIED 10-31-94					
6-13-94	373 Defendant's motion to adopt motions filed by co-defendants. Referred to Magistrate Judge Coody. GRANTED 7-8-94					
6-13-94	374 Defendant's motion to suppress evidence resulting from interception of telephone communications and motion to adopt the motion to suppress all evidence discovered as a consequence of the unlawful interception of telephone communications filed by defendant, Oscar Andrews; and memorandum of law. Referred to Judge Thompson. [Ref. to Mag. Judge Coody.] GRANTED 7-8-94					

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE (Document No.)	PROCEEDINGS (continued)	Page 5	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
6-15-94	386 Magistrate Judge Coody's ORDER directing the Clerk to docket all motions filed in this case only on behalf of the individual defendant who filed the motion unless and until the court permits another defendant to adopt a motion. (Copies mailed to all counsel of record; furnished: USA, USPO, USPTS).					
6-15-94	387 Magistrate Judge Coody's ORDER that a status conference be and is hereby set at 10:00 a.m. on June 24, 1994 , in The Frank M. Johnson, Jr., Federal Building and U.S. Courthouse, Montgomery, AL. (Copies mailed to all counsel of record; furnished to: USA, USM, USPO, USPTS).					
6-16-94	399 Magistrate Judge Coody's ORDER TO PRODUCE defendant/prisoner for Arraignment on 6/24/94 @ 10 a.m. (Copies furnished to: USA, USPO, USPTS). (Original Order del. to USM).					
6-16-94	401 Government's response to defendant's motion to sever. Referred to Judge Thompson. Referred to Magistrate Judge Coody.					
6-17-94	402 ORDER that all pending pretrial motions are hereby referred to Magistrate Judge Charles S. Coody for hearing and disposition or recommendation as appropriate. (Copy mailed to all counsel of record; furn. USA,USPO,USM,USPTS.)					
6-17-94	403 Magistrate Judge Coody's ORDER setting arraignment on the superseding indictment for 10:00 a.m., 6-24-94 , 2nd floor courtroom, Federal Courthouse, Montgomery. (Copy mailed to all counsel of record; furn. USA,USPO,USM,USPTS.)					
6-17-94	404 Magistrate Judge Coody's ORDER setting a status conference for 6-24-94 in the 2nd floor courtroom, Federal Court-house immediately following arraignment. (Copy mailed to all counsel of record; furn. USA,USPO,USM,USPTS.)					
6-20-94	412 ARRAIGNMENT NOTICE MAILED (6/24/94 @ 10 a.m., second floor courtroom, Montgomery, AL). (Copies mailed to counsel; defendant; furnished: USA, USM, USPTS).					
6-20-94	429 ORDER directing the Government to provide Regina Franklin direct written notice of any forfeiture order in a timely manner. (Copy mailed to counsel; furn. uSA,USPO, USM,USPTS.)					
6-20-94	433 Government's response to defendant's motion for suppression of evidence. Referred to Magistrate Judge Coody.					
6-22-94	452 Government's response to defendant's motion to suppress. Referred to Magistrate Judge Coody.					

Interval
(per Section III)Start Date
End DateLtr.
Code Total
Days

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs TERRY MITCHELL

AO 256A

94 0062 02
Yr. Docket No. Def.

DATE (Document No.)	PROCEEDINGS (continued)	Page 6	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
6-24-94	ARRAIGNMENT [on 6/6/94 Superseding Indictment]. Deft appeared before Magistrate Judge Coody with counsel and after having been advised of his rights entered a plea of NOT GUILTY to charges in superseding indictment.					
6-24-94	STATUS CONFERENCE before Magistrate Judge Coody.					
6-24-94	462 Courtroom Clerk's MINUTES of Status Conference. Attys to inform the Court NLT 7/1/94 of any pending motions they want scheduled for hearing; all other motions will be taken under advisement on 7/5/94. Hearing will be scheduled for July 20-22, 1994.					
6-24-94	472 Magistrate Judge Coody's ORDER ON ARRAIGNMENT wherewith defendant entered a plea of not guilty. (Copy mailed to counsel; furn. USA,USPO,USM,USPTS.)					
6-24-94	486 Government's response to defendant's motion to suppress evidence. Referred to Mag. Judge Coody.					
6-27-94	488 Magistrate Judge Coody's ORDER that on or before 6/1/94, defendant shall notify the court in writing as to each motion on which a hearing is requested; that the Court will hold a consolidated hearing on such motions on 7/20/94 commencing at 9:00 a.m., 2nd floor courtroom, Federal Courthouse, Montgomery, Alabama; that all pretrial motions shall be deemed submitted on 7/5/94. (Copy mailed counsel; furn. USA,USPO,USM,USPTS.)					
6-28-94	489 Government's response to defendant's motion to suppress. Referred to Magistrate Judge Coody.					
6-29-94	500 Magistrate Judge Coody's ORDER AMENDING the Court's Order of 6/27/94 at page 1, paragraph 1 to read July 1, 1994 instead of June 1, 1994. (Copy mailed to counsel; furn. USA,USPO,USPTS.)					
6-30-94	510 Defendant's motion for evidentiary hearing on pretrial motions. Referred to Magistrate Judge Coody. GRANTED 7-18-94					
7-1-94	522 ORDER granting defendant Jerry Lindsey Artis' motion to continue trial; that a status conference to consider counsel's preference for a trial date is set for July 26, 1994 at 3:00 p.m. in the second floor courtroom, Frank M. Johnson, Jr. Federal Building and U.S. Courthouse, Montgomery, AL; that counsel for each defendant and counsel for the government shall file with the court by July 21, 1994, a statement setting forth any significant commitments they may have which would conflict with a trial of this case during September, October, or November, 1994. (Copies mailed to all counsel; furnished: USA, USM, USPO, USPTS, Marie, Tim, Brenda)					

Interval
(per Section II) Start Date
End Date Ltr. Total
Code Days

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE (Document No.)	PROCEEDINGS (continued)	Page 7	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
7-5-94	531 Government's RESPONSE to defendant's motion to suppress, re: evidence derived from interception of electronic communications, etc. Referred to Magistrate Judge Coody.					
7-5-94	535 Defendant's addendum to motion to suppress evidence resulting from interception of telephone communications. Referred to Mag. Judge Coody.					
7-7-94	540 ORDER that all pretrial motions of any kind are to be referred to Magistrate Judge Charles S. Coody for any hearing or other appropriate disposition. (Copy mailed counsel; furn. USA,USPO,USM,USPTS.)					
7-8-94	544 Magistrate Judge Coody's ORDER GRANTING defendant's motion to adopt filed 6/13/94. (Copy mailed to counsel; furn. USA.)					
7-8-94	545 Magistrate Judge Coody's ORDER GRANTING deft.'s motion to adopt Andrews' motion to suppress. (Copy mailed counsel; furn. USA.)					
7-8-94	557 Magistrate Judge Coody's ORDER DIRECTING the Clerk of the Court to unseal the applications, affidavits and search warrants filed in this case. (Copy mailed counsel; furn. USA.)					
7-18-94	577 Government's motion to quash. Referred to Mag. Judge Coody. Motion GRANTED, 7-26-94. (Copy mail. counsel.)					
7-18-94	578 Magistrate Judge Coody's ORDER setting the motion to quash for a hearing on 7/19/94 at 4:15 p.m., 3rd floor courtroom, Federal Building, Montgomery, Alabama. (Counsel notified by phone.)					
7-19-94	584 Hearing on motion to quash subpoena. Courtroom Deputy's minutes of proceedings.					
7-21-94	587 Claimant Vanzetta Clisby's petition for return of seized property with attachment. Referred to Judge Thompson. DISMISSED 8/8/94					
7-25-94	Court reporter's transcript(Volume 1 and 2) of the testimony of Catherine Watts. (in separate folder).					
7-27-94	597 ORDER setting this case for jury selection and trial before Judge Anthony A. Alaimo on November 7, 1994, at 10:00 a.m., 2nd floor courtroom, Federal Courthouse, Montgomery, Alabama. (Copy mailed to counsel; furn. USA, USPO,USM,USPTS.)					
7-27-94	598 Government's petition for an order requiring the defendant to furnish exemplars of normal handwriting. Referred to Magistrate Judge Coody. GRANTED 9-15-94					
7-28-94	Court reporter's transcript of testimony of Sgt. Jeff Roy heard on July 20, 1994.					

Interval
(per Section II)Start Date
End DateLtr. Total
Code Days

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs

TERRY MITCHELL

AO 256A

NORTHERN DIVISION
94-00062-N-02
Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	Page 8	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
	(Document No.)					
7-28-94	599 Magistrate Judge Coody's ORDER DIRECTING the defendant to show cause on or before 8/17/94 as to why the Govt.'s petition for order requiring defendants to furnish exemplars of normal handwriting, should not be granted. (Copy mailed counsel; furn. USA.)					
7-29-94	601 Magistrate Judge Coody's ORDER DIRECTING counsel to submit to the court on or before 9/2/94, a jointly prepared jury questionnaire; DENYING the motion to use a jury questionnaire filed by defendant Andrews, without prejudice. (Copy mailed counsel; furn. USA,USPO,USM,USPTS.)					
8-1-94	603 Verified claim of Willie Stovall. Referred to Magistrate Judge Coody. DENIED 8/8/94					
8-1-94	604 Claimant, Willie Stovall's answer to complaint for forfeiture in rem. Referred to Magistrate Judge Coody.					
8-8-94	606 ORDER DISMISSING as pre-mature the claims of Vanzetta Clisby and Willie Stovall. (Copy mailed to counsel; furn. USA.)					
8-18-94	611 SUPERSEDING INDICTMENT.					
8-19-94	613 Magistrate Judge McPherson's ORDER directing that defendant be produced for arraignment. (Copy furn. USM.)					
8-19-94	627 Government's motion for release of seized property. Referred to Magistrate Judge Coody. GRANTED 9-7-94 (See Richard Thomas' docket sheet)					
8-23-94	628 Magistrate Judge Coody's ORDER directing defendant, Richard Thomas, to show cause by 9/6/94 as to why motion to release seized property should not be granted. (Copy mailed to counsel; furn. USA.)					
8-31-94	638 Counsel's [Jeffery C. Duffey] limited notice of appearance on behalf of defendant for purposes of arraignment.					
9-2-94	ARRAIGNMENT. Defendant appeared with counsel and entered a plea of not guilty to all counts charged in the superseding indictment.					
9-8-94	644 Magistrate Judge Coody's ORDER that unless within seven (7) days from the date of this order any party files objections to the proposed questionnaire, same is hereby approved and the Clerk is DIRECTED to take the necessary action to implement this order. (Copy mailed to counsel; furn. USA, USPO,USM,USPTS.)					
9-15-94	656 Magistrate Judge Coody's ORDER GRANTING motion to require defendant to furnish exemplars of normal handwriting as set forth in order. (Copy mailed counsel; furn. USA.)					

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE	PROCEEDINGS (continued) (Document No.)	Page 9	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
9-16-94	660 Defendant's motion for reconsideration of bond. Referred to Magistrate Judge Coody. DENIED 10/27/94					
9-19-94	663 Magistrate Judge Coody's ORDER setting defendant's motion for reconsideration of bond, for a hearing on 9/23/94 at 3:30 p.m., Rm 330, Federal Courthouse, Montgomery; directing the U.S. Marshal to produce the defendant; directing the Clerk to notify counsel and the U.S. Marshal by telephone. (Copy mailed counsel; furn. USA, USPO, USM, USPTS; phoned.)					
9-20-94	665 Magistrate Judge Coody's ORDER re-setting hearing on motion for reconsideration of bond, for 9/22/94 at 12:45 p.m. (Copy mailed counsel; furn. USA, USPO, USM, USPTS; phoned.)					
9-22-94	HEARING ON M/RECONSIDERATION OF BOND held.					
9-22-94	667 Courtroom Deputy's Minutes of hearing on motion for reconsideration of bond. Tape 963					
9-23-94	670 Magistrate Judge Coody's RECOMMENDATION that the motions to suppress evidence resulting from the interception of telephonic communications be DENIED; ORDER DIRECTING the parties to file any objections to the Recommendation within 13 days from the date of mailing to them. (Copy mailed to counsel; furn. USA.)					
9-23-94	671 Magistrate Judge Coody's RECOMMENDATION that defendant Drayton's motion to suppress information derived from the use of a clone digital display pager be GRANTED; that the remaining defendants' motions to suppress evidence derived from the interception of electronic communications to deft. Drayton's digital display paging device be DENIED on the grounds that they lack standing; ORDER DIRECTING the parties to file any objections to the Recommendation within 13 days from the mailing to them. (Copy mailed to counsel; furn. USA.)					
9-23-94	672 Magistrate Judge Coody's RECOMMENDATION that defendant's motions to dismiss the indictment be DENIED; ORDER DIRECTING the parties to file any objections to the Recommendation within a period of 13 days from the date of mailing to them. (Copy mailed to counsel; furn. USA.)					
9-23-94	675 Magistrate Judge Coody's RECOMMENDATION that defendant's motion to sever be DENIED; ORDER DIRECTING the parties to file any objections within a period of 13 days from the date of mailing to them. (Copy mailed counsel; furn. USA.)					
10-5-94	695 Defendant's motion to adopt objection to the Magistrate's Recommendation. Referred to Mag. Judge Coody. (Motion GRANTED 10-6-94) (Copy m. counsel; furn. USA.)					

Interval
(per Section III)Start Date
End DateLtr. Code
Total Days

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs

AO 256A ®

TERRY MITCHELL

NORTHERN DIVISION

94-00062-N-02

Yr. Docket No. Def.

DATE (Document No.)	PROCEEDINGS (continued)	Page 10	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
10-6-94	699 Magistrate Judge Coody's ORDER granting defendant's oral motion for an extension of time to file additional objections to the Recommendation entered on 9/23/94; that defendant be allowed to file additional objections to the recommendation on or before October 13, 1994. (Copy mailed to all counsel of record; furnished: USA, USM, USPO, USPTS).					
10-14-94	714 Magistrate Judge Coody's RECOMMENDATION (7/5/94 motion to suppress) (1) that the motion to suppress evidence obtained as a result of a search and seizure at 6904 N.W. 169th Street, Date County, Florida, filed by the defendant be denied; and (2) that the motion to suppress evidence obtained as a result of a search and seizure at 18200 Mediterranean Boulevard, Unit 2207, Dade County, Florida, filed by the defendant be denied. ORDER that the clerk mail a copy of the Recommendation to the parties and that parties file any objections to the Recommendation within a period of 13 days from the date of mailing to them. (Copies mailed to all counsel; furnished USA, USPTS.)					
10-14-94	721 Defendant's objections to recommendation of Magistrate Judge regarding defendant's motion to suppress(clone pager). Referred to Magistrate Judge Coody.					
10-14-94	722 Defendant's objections to recommendation of Magistrate Judge regarding motion to suppress evidence resulting from interception of telephone communications. Referred to Magistrate Judge Coody.					
10-14-94	Court reporter's transcript of July 20, 21 and 22, 1994, hearings on all pending motions held before Magistrate Judge Coody. (reporter: Reisner). Referred to Judge Thompson. Referred to Judge Coody.					
10-18-94	724 Government's requested jury instructions (Nos. 1-19). Referred to Magistrate Judge Coody.					
10-19-94	729 Magistrate Judge Coody's RECOMMENDATION that defendant's motion to suppress evidence seized from 1540 N.W. 132nd street in Dade County, Florida, be DENIED . ORDER that the Clerk of the court file the Recommendation and serve by mail a copy thereof on the parties to this action. The parties are DIRECTED to file any objections to said Recommendation within a period of 13 days from the date of mailing to them. (Copies mailed to all counsel of record; furnished: USA, USM, USPO, USPTS).					

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE (Document No.)	PROCEEDINGS (continued)	Page 11	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
10-19-94	730 Magistrate Judge Coody's RECOMMENDATION that defendant's motion to suppress be DENIED . ORDER that the Clerk of the Court file the Recommendation and serve by mail a copy thereof on the parties to this action. The parties are DIRECTED to file any objections to said Recommendation within a period of 13 days from the date of mailing to them. (Copies mailed to all counsel of record; furnished to: USA, USM, USPO, USPTS).					
10-25-94	742 Government's petition for order to USM for release of prisoners for trial preparation. Referred to Mag. Judge Carroll.					
10-25-94	743 Mag. Judge Carroll's ORDER directing USM to release prisoners to DEA SA Simons as further set out. (Copies furnished to USA & USM.)					
10-27-94	747 Magistrate Judge Coody's ORDER DENYING defendant's motion for release on bond. (Copy mailed to counsel; furn. USA,USPO,USM,USPTS.)					
10-31-94	754 ORDER DENYING as moot defendant's motion to sever as was adopted from deft. Mary Mitchell and Mary Morrow; DENYING motion to dismiss indictment for violation of Rule 6(d) as adopted. (Copy mailed counsel; furn. USA.)					
10-31-94	757 Defendant's objection to Magistrate's recommendation on motion to suppress evidence. Referred to Judge Thompson.					
10-31-94	758 Defendant's objection to Magistrate's recommendation on motion to suppress evidence. Referred to Judge Thompson.					
11-1-94	761 Counsel's letter to court agreeing for Court to rule on motion to suppress.					
11-2-94	762 ORDER ADOPTING the recommendation of the Magistrate Judge; DENYING defendant's motion to suppress evidence obtained at the Dade County, Florida residence. (Copy mailed counsel; furn. USA.)					
11-2-94	763 Defendant's memorandum of law in support of his objections to Magistrate's recommendation. Referred to Judge Thompson. (late fax)					
11-2-94	764 Government's response to defendant's objection to Magistrate's recommendation. Referred to Judge Thompson.					
11-3-94	768 ORDER overruling defendant's objections and ADOPTING the recommendation of the Magistrate Judge, DENYING defendant's motion to suppress evidence obtained from telephone conversations. (Copy mailed counsel; furn. USA.)					

Interval
(per Section II)Start Date
End DateLtr. Code
Total Days

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs

TERRY MITCHELL

AO 256A ®

NORTHERN DIV.
94-00062-N-02
Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	Page 12	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
11-3-94	770 Defendant's objections to Magistrate Judge's recommendation on motion to suppress evidence. Referred to Judge Thompson.					
11-3-94	771 Defendant's objections to Magistrate Judge's recommendation on motion to suppress evidence. Referred to Judge THompson.					
11-4-94	774 ORDER DENYING defendant's motion to suppress evidence obtained from Rt. 1, Box 152, Castleberry, Ala.; DENYING motion to suppress as recommendation is ADOPTED. (Copy mailed counsel; furn. USA.)					
11-4-94	Pretrial Hearing held in chambers.					
11-4-94	777 Courtroom Deputy's [Buford A. Rowe] minutes of proceedings.					
11-7-94	778A Trial commenced. INDICTMENT FILED.					
11-7-94	780 ORDER DENYING defendant's motion to suppress filed 6/10/94. (Copy mailed counsel; furn. USA.)					
11-8-94	783 Juror, Richard L. Smith's Note (handwritten) to the court.					
11-15-94	787 ORDER that the petit jury selected for the trial of this case, being sequestered during its consideration by the direction of the court, is to be fed its regular meals at places appropriate for the feeding of said jury; that the Clerk for the Middle District of Alabama is hereby directed, pursuant to Title 28, U.S.C. Section 871, to disburse to said eating establishment the sum so billed for these meals. (Copies hand-delivered to counsel for defendants on trial; furnished to: USA, USM, USPO, USPTS).					
11-14-94	Court Reporter's (Norma Hatfield) transcript of testimony of James McCants during trial proceedings on November 8, 9, 1994, before Judge Anthony A. Alaimo. Filed in separate folder.)					
11-14-94	Court Reporter's (Norma Hatfield) transcript of testimony of Thomas Grove during trial proceedings on November 9, 1994, before Judge Anthony A. Alaimo. (Filed in separate folder.)					
11-14-94	788 Court's curative instruction for testimony of Michael May.					
11-15-94	790 Government's proposed jury instructions on forfeiture. (1)					

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE (Document No.)	PROCEEDINGS (continued)	Page 13	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
11-16-94	796 Court's instruction to the jury.					
11-16-94	797 ORDER (Judge Alaimo) that certain items of evidence be returned to the U. S. Attorney, his authorized representative, for safekeeping and for production in the Court of Appeals, if necessary, upon return of a jury verdict; evidence as further set out in this Order. (Copies mailed to counsel of record for defendants tried week of 11/7/94 before Judge Anthony Alaimo; furnished to: USA, USM, USPO, USPTS)					
11-16-94	798 ORDER (Judge Alaimo) that an item of evidence(a money counter of Oscar Andrews #31)be returned to the counsel for defendant, Oscar Andrews, or his authorized representative, for safekeeping and for production in the Court of Appeals, if necessary, upon return of a jury verdict. (Copies mailed to counsel of record for defendants tried week of 11/7/94 before Judge Anthony Alaimo; furnished to: USA, USM, USPO, USPTS).					
11-16-94	799 ORDER (Judge Alaimo) that the jurors in this case shall be sequestered and shall be kept in the custody of the U. S. Marshal's Service for the duration of their deliberations, or further notice from this Court; that the U. S. Marshal's Service shall make arrangements for accommodations for the jury during deliberations and to provide for adequate security for the jury in accordance with the policies and procedures set forth in Section 9.3-4 of the U. S. Marshal's Manual; as further set out in Paragraphs numbered 2 through 7; that this Order may be altered, amended and/or changed from time to time as the Court's judgment and conditions warrant. (Copies furnished to: Clerk; USA, USM).					
*						
11-17-94	800 ORDER (Judge Alaimo)that the Petit jury selected for trial of this case, being sequestered during its consideration by the direction of the court, is to be fed its regular meals at places appropriate for the feeding of said jury; that the Clerk for the Middle District of Alabama is hereby directed , pursuant to Title 28, U.S.C., Section 871, to disburse to said eating establishment the sum so billed for these services. (Copies furnished to: Clerk of Court; USM(certified), USA).					

Interval
(per Section II)Start Date
End DateLtr. Code
Total Days

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

U. S. vs

MITCHELL, TERRY

94-00062-02

AO 256A *

Yr. Docket No.

Def.

DATE (Document No.)	PROCEEDINGS (continued)	Page 14	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
* 11-16-94	799(a) Note from the Jury.					
11-16-94	799(b) Note from the Jury.					
11-16-94	799(c) Note from the Jury.					
11-16-94	799(d) Note from the Jury.					
11-17-94	802 Note from the Jury.					
11-17-94	804 JURY VERDICT of GUILTY to Counts 1,2,21,23,24.					
11-17-94	814 Courtroom Clerk's minutes of trial proceedings. Witness and exhibits lists attached. [Oral motion for judgment of acquittal by deft. DENIED]					
12-1-94	Court Reporter's (Norma Hatfield, Brunswick, GA) transcript of forfeiture proceedings before Judge Anthony A. Alaimo on November 17, 1994.					
12-9-94	837 Government's motion for return of evidence. Referred to Judge Alaimo by mail. GRANTED 12-15-94					
12-15-94	850 Magistrate Judge Coody's ORDER that all audio and video tape recordings be returned to the U. S. Attorney's Office. (Copy mailed counsel; furn. USA.)					
12/22/94	865 Government's motion for return of evidence. Referred to Magistrate Judge Coody. GRANTED 12-27-94					
12-27-94	871 Magistrate Judge Coody's ORDER to return all physical evidence introduced at motions hearings held on 7-20-94 and the detention hearing on Jerry Artis on 5-31-94 to the U.S. Attorney's Office. (Copies mailed to all counsel of record; furnished: USA, USM, USPO, USPTS, Tim, Ace).					
1-3-95	881 Government's motion for return of all evidence. Referred to Judge Thompson. GRANTED 1-4-95					
1-4-95	882 ORDER GRANTING motion for return of all evidence. (Copy mailed counsel; furn. USA.)					
1-4-95	883 Government's motion for return of all evidence submitted by Govt. and defense at hearings commencing 7/20/94 through the trial. Referred to Judge Thompson. GRANTED 1-6-95					

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET
AD 258A

DATE (Document No.)	PROCEEDINGS (continued)	Page 15	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
1-5-95	Court Reporter's [Norma Hatfield] transcript of trial testimony of Michael Grove, Lloyd McDaniel, Donnie Ray Davis, Robert Moore and Michael May held before Judge Alaimo 11/8/94, thru 11/10/94.					
1-6-95	885 Magistrate Judge Coody's ORDER that Special Agent Marshall Simons take custody of said prisoner Marion McKeithen. (Copy furn. USA.)					
1-6-95	886 ORDER GRANTING the Government's motion to withdraw all evidence (Govt. and defense) offered at trial. (Copy mailed counsel; furn. USA.)					
1-10-95	887 ORDER OF FORFEITURE [rendered by Judge Alaimo] that the United States is now entitled to possession of the property specifically identified in said order; and further, the United States shall release specific indicted property to defendant as further set forth in order. (Copy mailed counsel; furn. USA, USM, USPO.)					
1-14-95	892 Government's motion for amended order of forfeiture and amended order for release of specific indicted property. Referred to Judge Alaimo.					
1-14-95	893 ORDER [rendered by Judge Alaimo] GRANTING motion for amended order for release of specific indicted property as further set forth in order. (Copy mailed counsel; furn. USA.)					
1-30-95	914 Movant Regina Franklin's motion for return of personal property pursuant to Rule 41(e), F.R.Cr.P. Referred to Magistrate Judge Coody.					
2-10-95	916 Petition of Regina Franklin for hearing to adjudicate the interest of petitioner in seized property located at 180 Miller Creek Rd., Waugh, Alabama and verified claim of Regina Franklin. Referred to Judge Alaimo. (Referred to Magistrate Judge Coody)					
2-10-95	917 Verified claim of United States Department of Agriculture. Referred to Judge Alaimo. (Referred to Mag. Judge Coody.)					
2-15-95	918 Government's response to Regina Franklin's and Willis Murray's motion for return of personal property. Referred to Magistrate Judge Coody.					
2-21-95	920 Petition by Nash J. Cooley regarding real property located at 916 Carter Hill Road, Montgomery, AL with attached exhibits A-E. Referred to Magistrate Judge Coody.					
2-27-95	922 Petitioner [Marie Thomas] petition for final hearing. Referred to Magistrate Judge Coody.					
3-2-95	923 Petition [Real Estate Financing, Inc.] for hearing. Referred to Magistrate Judge Coody.					

Interval
(per Section II)Start Date
End DateLtr. Code
Total Days

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs

Mitchell, Terry

AO 256A *

NORTHERN DIVISION

94-00062-N-02

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued) (Document No.)	Page 16	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
3-3-95	924 Petition [AmSouth Mortgage Co., Inc.] for a hearing. Referred to Magistrate Judge Coody.					
3-7-95	925 Petition [AmSouth Bank of Florida] for a hearing. Referred to Magistrate Judge Coody.					
3-7-95	926 Petition [Barclays American Mortgage Corp.] for exemption of certain real property from forfeiture proceedings. Referred to Magistrate Judge Coody.					
3-8-95	927 Petition [Alonzo Fuller & Mildred Jones] for hearing. Referred to Magistrate Judge Coody.					
3-10-95	928 Petition of Donald Collier to adjudicate interest in real property. Referred to Magistrate Judge Coody.					
3-10-95	929 Petition of Karin Derfuss to adjudicate interest in real property. Referred to Magistrate Judge Coody.					
3-15-95	930 Mary Lamar's petition for hearing on the Order of Forfeiture and Order for release of specific indicted property of Jerry Lindsey Artis entered on 1/23/95. Referred to Magistrate Judge Coody.					
3-27-95	935 Verified claim [Mary Mitchell] of interest in seized property. Referred to Magistrate Judge Coody.					
3-27-95	936 Petition [Universal American Mortgage] for verified claim. Referred to Magistrate Judge Coody.					
4-4-95	Court reporter's Norma Hatfield) transcript of the excerpt of jury trial regarding dismissal of Count One before the Honorable Anthony A. Alaimo.					
4-5-95	938 Letter motion on behalf of claimant, Frankie L. Germany with attached copy of deed. Referred to Magistrate Judge Coody.					
4-18-95	Court reporter's transcript (Volumes 1-7) of jury trial held 11/7/94 through 11/15/94 before Judge Alaimo.					
4-27-95	944 ORDER [Judge Alaimo] that Mag. Judge Coody shall conduct all 21 USC 853 hearings and file a Report and Recommendation. (Copy mailed counsel; furn. USA.)					
5-15-95	956 Defendant's motion for hearing to resolve factual and guidelines applications. Referred to Judge Alaimo.					

UNITED STATES DISTRICT COURT

CRIMINAL DOCKET

AO 256A

DATE (Document No.)	PROCEEDINGS (continued)	Page 17	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
5-2-95	945 Government's motion for first final order of forfeiture. Referred to Judge Alaimo.					
5-2-95	946 ORDER (Judge Alaimo) (rendered 4-28-95) that the United States Marshal forthwith release the real property described in this First Final Order of Forfeiture and that the United States file a Release of <u>Lis Pendens</u> ; ORDERED that the right title and interest to all of the property (real, U.S. Currency, personally and/or mixed) of the defendants named in this First Final Order of Forfeiture is hereby condemned, forfeited, and vested in the United States of America and shall be disposed of according to law; DIRECTING the Clerk of the Court to send copies of this Order to all counsel of record and the U.S. Marshal. (Copies mailed to: all counsel; furn: USA, USM, USPO)					
5-4-95	947 SCHEDULING NOTICE (Buford Rowe) mailed to all counsel of record, USA, USM, USPO.					
5-4-95	548 SENTENCING NOTICE: sentencing set for 5/22/95 at 9:00 a.m in the second floor courtroom. Copies mailed to all counsel of record by Buford Rowe and mailed to USA, USM, USPO by Buford Rowe and mailed to defendants by the Clerk.					
5-22-95	SENTENCING held.					
5-22-95	975 ORDER SEALING the pre-sentence report and if an appeal is taken, allowing the parties access upon leave of the court. (Copy mailed counsel; furn. USA.)					
5-22-95	976 PRE-SENTENCE REPORT SEALED (in vault).					
5-22-95	997 Courtroom Deputy's minutes of sentencing proceedings. Witness and exhibit list attached. (Govt. Ex. 1 attached, re: Sowers.) Objections to PSI OVERRULLED. Oral motion by Charles Law, Albert Butler, Johnny Hardwick and Barry Teague to withdraw- GRANTED . [Written motions to be filed]					
5-31-95	1007 Govt.'s motion for second final order of forfeiture. Referred to Judge Alaimo.					
6-1-95	1011 Notice of Appeal by Terry Mitchell to the U.S. Court of Appeals, Eleventh Circuit from the conviction & sentence entered in this action on 5/22/95. (Copies mailed to Frank A. Rubino, Esq., with appeal information sheet & criminal docketing statement; Charles F. Teschner, AUSA; Norma Hatfield, Court Reporter; & certified copy to USCA with copies of orders appealed from and docket entries.) FILING FEE: \$105.00 RECEIPT #55969.					

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs

Mitchell, Terry

NORTHERN

94-00062-N02
Yr. Docket No. Def.

AO 256A

DATE (Document No.)	PROCEEDINGS (continued)	Page 18	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
6-1-95 *	Notice of Appeal docketed & transmitted to USCA; Re: [1011-1] appeal by Terry Mitchell.					
6-12-95	1027 JUDGMENT & COMMITMENT: Defendant found guilty on counts 2, 21, 23 and 24. Count 1 dismissed on government's motion. It is Ordered that defendant shall pay to the Clerk, a special assessment of \$200 for counts 2, 21, 23 and 24, which shall be due immediately. Defendant is hereby committed to the custody of the U. S. BOP to be imprisoned for a term of defendant's life. This term consists of terms of life as to Counts 2, 21, 23 to be served concurrently with each other, but consecutively to the term of 60 months imposed as to Count 24. Defendant is to stand committed for service of this sentence this date. Upon release from imprisonment, defendant shall be on supervised release for a term of five(5) years. This term consists of five(5) years as to each of Counts 2, 21, 23 and three(3) years as to Count 24, all such terms to run concurrently . While on supervised release, defendant shall not commit another federal, state or local crime; shall comply with the standard conditions that have been adopted by this court; and shall comply with the following additional conditions: (1) that defendant shall report in person within 72 hours of his release from custody, to the probation office in the district to which he is released (2) that if a fine, etc., is imposed, it shall be a condition of supervised release (3) that defendant shall not own or possess a firearm or destructive device (4) that defendant shall submit to a drug test when ordered to do so by a probation officer. The fine is waived and no restitution is ordered. The sentence is imposed at life based on the seriousness of the offense and the need to protect the public from further crimes of defendant. Further, this sentence represents the mandatory minimum sentence required by statute as to Count 2. EOD: 6/12/95. (Order/Judgment entered on 6/6/95). (Copies mailed to counsel and defendant; furnished to: USA, USM, USPO, USPTS).					
6-12-95	1027a Defendant's attorney's stipulation for substitution of counsel. Referred to Judge Alaimo.					
6-12-95	1036 ORDER (Judge Alaimo) (rendered 6/9/95) that the U.S. Marshal forthwith release the real property described in the Second Final Order of Forfeiture and that the U.S.A file a Release of <u>Lis Pendens</u> . Ordered that the right title and interest to all of the property (real, U.S. Currency, Personality) is hereby					

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE (Document No.)	PROCEEDINGS (continued)	Page 19	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
cont...	condemned, forfeited and vested in the United States of America and shall be disposed of according to law. Directing the Clerk of the Court to send copies of this Order to all counsel of record and the U.S. Marshal. Copies mailed to counsel; furnished: USA, USM, USPO, USPTS).					
*						
6-8-95	1011a CJA 20 approved by Judge Thompson in the amount of \$562.99 and submitted for payment. Re: Mary Pilcher.					
6-14-95	1039 Government's motion for discovery. Referred to Magistrate Judge Coody. M/GRANTED 6/16/95.					
6-16-95	1042 Magistrate Judge Coody's ORDER granting government's motion for discovery filed on 6/14/95; that the Petitioners make themselves available for the oral deposition along with any book, paper, document, record, recording, or other material that supports their petition and that is not privileged. (Copies mailed to all counsel of record; furnished to: USA, USM, USPO, USPTS, Ace).					
6-16-95	1045 Government's petition to enforce court order and directive of the U. S. Marshal. Referred to Magistrate Judge Coody.					
6-16-95	1046 Magistrate Judge Coody's ORDER that David Andrews appear at a hearing in Montgomery, Alabama, on 6/30/95 at 4:00 p.m. , 3rd floor courtroom, Federal Courthouse, to show cause why he should not be ordered to vacate certain premises; directing the U.S. Marshal to personally serve David Andrews. (Copy mailed counsel; furn. USA, USM, USPO.)					
6-16-95	1047 Magistrate Judge Coody's ORDER setting an Ancillary Hearing on 7/17/95 at 9 a.m. , 3rd floor courtroom, Federal Courthouse, on petitioner's petition for final hearing filed 2/27/95 by Marie Thomas. (Copy mailed counsel; furn. USA, USPO, USM.)					
6-16-95	1048 Magistrate Judge Coody's ORDER setting an Ancillary Hearing on 7/17/95 at 1:30 p.m. , 3rd floor courtroom, Federal Courthouse, on petitioner's petition for final hearing filed 4/5/95 by Frankie Germany. (Copy mailed counsel; furn. USA, USPO, USM.)					
6-16-95	1049 Magistrate Judge Coody's ORDER setting an Ancillary Hearing on 7/18/95 at 9:00 a.m. , 3rd floor courtroom Federal Courthouse, on petition for hearing to adjudicate interest in property filed 2/8/95 by Theresa Salery. (Copy mailed counsel; furn. USA, USPO, USM.)					
6-16-95	1050 Magistrate Judge Coody's ORDER setting an Ancillary Hearing on 7/18/95 at 1:30 p.m. , 3rd floor courtroom,					

Interval
(per Section II)Start Date
End DateLtr.
CodeTotal
Days

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs

TERRY MITCHELL

AO 256A (8)

NORTHERN DIVISION

94-00062-N-02

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued) (Document No.)	Page 20	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
	on the petitioner's verified claim of interest in seized property filed on 3/21/95, by Mary Mitchell. (Copy mailed counsel; furn. USA,USPO,USM.)					
6-16-95	1051 Magistrate Judge Coody's ORDER setting an Ancillary Hearing on 7/19/95 at 9:00 a.m., 3rd floor courtroom, Federal Courthouse, on petitioner's petition for hearing to adjudicate the interest in seized property filed 2/10/95, by Regina Franklin. (Copy mailed counsel; furn. USA,USPO,USM.)					
6-16-95	1052 Magistrate Judge Coody's ORDER setting an Ancillary Hearing on 7/19/95 at 1:30 p.m., 3rd floor courtroom, Federal Courthouse, on petitioner's petition for hearing to adjudicate interest in property filed 3/8/95, by Alonzo Fuller and Mildred Fuller Jones. (Copy mailed counsel; furn. USA,USPO,USM.)					
6-21-95	1058 ORDER that Frank A. Rubino, Esq. be substituted as counsel in place of Ivan M. Tobias, Esq. as attorney for defendant. Order rendered 6/19/95 by Judge Alaimo. (Copies mailed to counsel and defendant; furnished: USA,USM, USPO, USPTS, Ace).					
7-5-95	USCA CASE No. 95-6423; Re: [1011-1] appeal by Terry Mitchell.					
7-5-95	064 Govt.'s motion to amend second final order of forfeiture. Referred to Judge Alaimo.					
7-6-95	- Transcript of sentencing held 5/22/95 before Judge Alaimo.					
7-11-95	1066 Joint motion for continuance of hearing set for 7/18/95; in re: 2682 Whispering Pines, Montgomery, Alabama. Referred to Magistrate Judge Coody. MOTION GRANTED 7/13/95.					
7-12-95	1067 Defendant's authority to represent. Re: Frank Rubino.					
7-13-95	1068 Magistrate Judge Coody's ORDER continuing the hearing in re: 2682 Whispering Pines, Montgomery, Alabama; to 9/26/95 @ 9:00 a.m. in the 3rd floor courtroom; parties are directed to file appropriate pleadings indicating that this case has been settled prior to the date for the hearing. (Copies mailed to all counsel of record; furnished: USA, USM, USPO, USPTS, Ace).					

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE (Document No.)	PROCEEDINGS (continued)	Page 21	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
7-13-95	1069 Government's motion for continuance of hearing set for July 18, 1995; in re: Rt. 1. Box 152, Castleberry, Alabama. Referred to Magistrate Judge Charles S. Coody. MOTION GRANTED 7/14/95					
7-13-95	1070 Government's pre-hearing brief ; in re: 3910 Vaughn Road, Montgomery, Alabama and \$1,538 in U.S. Currency. Referred to Magistrate Judge Coody.					
7-14-95	1071 Magistrate Judge Coody's ORDER continuing generally the hearing set for 7/18/95 in re: Rt. 1, Box 152, Castleberry, Alabama; the parties shall file pleadings for the dismissal of this case on or before 8/4/95. (Copies mailed to all counsel of record; furnished: USA, USM, USPO, USPTS, Ace, Marie).					
7-17-95	1072 Magistrate Judge Coody's ORDER continuing the hearing set for 7/17/95 to 8/14/95 @ 9:00 a.m. in the 3rd floor courtroom; in re: 3910 Vaughn Road, Montgomery, Alabama, and \$1,538 in U.S. Currency. (Copies mailed to all counsel of record; furnished: USA, USM, USPO, USPTS, Ace, Marie).					
7-17-95	1073 Magistrate Judge Coody's ORDER continuing the hearing set for 7/17/95 to 8/14/95 @ 2:00 p.m. in the 3rd floor courtroom; in re: 3421 Ellis Ave., S.W., Birmingham, Alabama. (Copies mailed to all counsel of record; furnished: USA, USM, USPO, USPTS, Ace, Marie).					
7-17-95	1074 Joint motion for continuance of hearing set for 7/18/95 @ 1:30p.m.; in re: Rt. 1, Box 152, Castleberry, Alabama. Referred to Mag. Judge Coody.					
7-17-95	1075 Stipulation for Compromise Settlement ; in re: Rt. 1, Box 152, Castleberry, Alabama. Referred to Mag. Judge Coody.					
7-17-95	1076 Stipulation for Compromise Settlement ; in re: 180 Miller Creek Road, Montgomery (Waugh), Alabama. Referred to Mag. Judge Coody.					
7-17-95	1077 Government's motion for continuance of hearing set for 7/18/95; in re: 4301 Litzame Drive, Montgomery, Alabama. Referred to Mag. Judge Coody.					
7-18-95	1078 Magistrate Judge Coody's ORDER to reset hearing set for 8/14/95 to 8/11/95 @ 9:00 a.m. in the 3rd floor courtroom; in re: 3910 Vaughn Road, Montgomery, Alabama. (Copies mailed to all counsel of record; furnished: USA, USM, USPO, USPTS, Ace, Marie).					

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs

MITCHELL, TERRY

AO 256A (8)

94-00062-02

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued) (Document No.)	Page 22	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
7-19-95	1079 Magistrate Judge Coody's ORDER continuing the hearing set for 7/19/95 to 8/15/95 @ 9:00 a.m. in the 3rd floor courtroom; in re: 180 Miller Creek Road, Montgomery (Waugh), Alabama. (Copies mailed to all counsel of record; furnished : USA, USM, USPO, USPTS, Ace, Marie).					
7-19-95	1080 Magistrate Judge Coody's ORDER continuing generally the hearing set in this case; in re: 4301 Litztame Drive, Montgomery, Alabama. (Copies mailed to all counsel of record; furnished: USA, USM, USPO, USPTS, Ace, Marie).					
7-20-95	1081 ORDER granting the government's motion filed 7/5/95 to amend second final order of forfeiture and the legal description for the real property located at 6904 N.W. 169th, Unit 144-E, Miami, Dade County, FL is corrected as follows: UNIT No. 144-E, in Building 20, of WOODS LANDING, PHASE V, A Condominium, according to the Declaration thereof and the exhibits annexed thereto, recorded in Official Records Book 10749, at Page 972, of the Public Records of Dade County, FL. (ORDER entered 7/17/95 by Judge Alaimo). (Copies mailed to all counsel of record: furnished: USA, USM, USPO, USPTS, Ace, Tim, Marie).					
7-20-95	1082 Stipulation for compromise settlement between USA and Alonzo and Mildred Fuller re: Real property located at 2682 Whispering Pines Drive, Montgomery, Alabama. Referred to Magistrate Judge Coody.					
7-25-95	1100 Petitioner Vanzetta Clisby and Innocent Owner's (pro se) motion to set aside the 1/14/95 Order entered by Judge Alaimo. Petitioner's legal claim to property located at 700 Columbus Street, Montgomery, Alabama with attachments. Copy mailed to Judge Alaimo for ruling. Original referred to Mag. Judge Coody.					
7-25-95	1101 Stipulation for Compromise Settlement; re: 3421 Ellis Avenue, S.W., Birmingham, Alabama. Referred to Magistrate Judge Coody.					
7-26-95	1102 Magistrate Judge Coody's ORDER directing the United States to show cause on or before 8/15/95 why Vanzetta Clisby's motion filed 7/25/95 should not be granted. (Copies mailed to all counsel of record, Claimant Vanzetta Clisby; furnished: USA, USM, USPO, USPTS, Ace).					

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE (Document No.)	PROCEEDINGS (continued)	Page 23	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
8-10-95	1105 Government's motion for enlargement of time to file joint stipulation for dismissal. Referred to Magistrate Judge Coody.					
8-10-95	1106 Stipulation for compromise settlement. Referred to Magistrate Judge Coody.					
8-10-95	1107 Government's motion to continue hearing set for 8/14/95. Referred to Magistrate Judge Coody. (STAMPED ORDER GRANTING same.) (Copies mail. counsel; ip; furn. USA, USPO, USM.)					
8-11-95	Ancillary Hearing held. Re: 3910 Vaughan Road, Montgomery, AL					
8-11-95	1111 Courtroom Deputy's Minutes of Ancillary Hearing with witness and exhibit lists attached. Tape 1073					
8-11-95	1112 Magistrate Judge Coody's ORDER continuing hearing set for 8/14/95; that on or before 9/14/95, the govt. file a status report concerning this case. (Copy mailed to counsel; interested parties; furn. USA, USPO, USM.)					
8-11-95	1113 Magistrate Judge Coody's ORDER continuing hearing set for 8/14/95, re: 3421 Ellis Ave., S.W.; that on or before 9/14/95, the Govt. file a status report concerning this case. (Copy mailed to counsel; interested parties; furn. USA, USPO, USM.)					
8-11-95	1114 Magistrate Judge Coody's ORDER that on or before 10/16/95, the parties shall file appropriate pleadings for the dismissal of this case. (Copy mailed counsel; interested parties; furn. USA, USPO, USM.)					
8-14-95	1115 Government's response to Vanzetta Clisby's motion to set aside Order of Forfeiture (with attachments). Referred to Magistrate Judge Charles S. Coody.					
8-16-95	1116 Stipulation for compromise settlement between USA and Regina Franklin re: Real Property located at 180 Miller Creek Drive, Montgomery, Alabama. Referred to Magistrate Judge Charles S. Coody.					
8-17-95	1120 Government's motion to amend First Final Order of Forfeiture. Referred to Mag. Judge Coody. M/GRANTED 9/8/95. (Copies mailed to all counsel; furn.: USA, USM, USPO).					
8-21-95	1121 Government's post-hearing brief with attachments in regard to property located at 3910 Vaughn Road, Montgomery, AL, and \$1,538.00 in U. S. Currency. Referred to Magistrate Judge Coody.					
8-22-95	1123 Petitioner's memorandum brief in support of the petitioner's motion for summary judgment and petitioner's memorandum brief in opposition to the plaintiff's pre-hearing brief Re: 3910 Vaughn Road, Montgomery, Alabama. Referred to Mag. Judge Coody.					

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs

94-0062-02

MITCHELL, TERRY

AO 256A *

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued) (Document No.)	Page 24	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
8-25-95	1126 Stipulation for compromise settlement between USA and Theresa F. Salery; re: Real Property located at 4301 Litztame Drive, Montgomery, Alabama. Referred to Magistrate Judge Coody.					
8-25-95	1127 Stipulation for compromise settlement between USA and AmSouth Mortgage Company, Inc.; re: Real Property located at 4301 Litztame Drive, Montgomery, Alabama. Referred to Magistrate Judge Coody.					
9-5-95	1131 Vanzetta Clisby's motion for additional time to respond to the government's motion to denied order to set aside order of forfeiture; re: 700 Columbus Street, Montgomery, Alabama. Referred to Magistrate Judge Coody.					
9-6-95	1132 Government's stipulation for compromise settlement. Referred to Magistrate Judge Coody.					
9-6-95	1133 Government's motion for third final order of forfeiture. Referred to Magistrate Judge Coody.					
9-19-95	1139 Magistrate Judge Coody's ORDER that the legal description of said property located at 11487 Atlanta Hwy., [Waugh], Montgomery, Alabama is hereby amended as set forth in order. (Copy mailed counsel; furn. USA, USPO, USM.)					
9-25-95	1140 Vanzetta Clisby's response to government's motion to set aside order of forfeiture; re: Real Property located at 700 Columbus Street, Montgomery, AL. Referred to Magistrate Judge Coody.					
10-3-95	1144a SATISFACTION OF JUDGMENT AS TO MONETARY IMPOSITION					
10-20-95	1151 Government's motion for status conference. Referred to Magistrate Judge Coody.					
10-24-95	1152 ORDER (3rd Final on Forfeiture) directing the U.S. Marshal to release said property, etc. through payment of county property tax as further set forth in order. (Copy mailed counsel; furn. uSA, USM.)					
10-26-95	1153 Stipulation for compromise settlement as to 2682 Whispering Pine Drive, Montgomery, Alabama. Referred to Magistrate Judge Coody.					
10-26-95	1154 Government's motion for Fourth Final Order of Forfeiture. Referred to Magistrate Judge Coody.					

Interval
(per Section II)Start Date
End DateLtr. Total
Code Days

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE (Document No.)	PROCEEDINGS (continued)	Page 25	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
11-6-95	Court Reporter (Norma Hatfield) transcript of Sentence Hearing held 5/22/95 before Judge Alaimo.					
1-4-96	1162 Government's motion for a status conference. Referred to Magistrate Judge Coody.					
1-10-96	1163 Government's motion for return of all evidence. Referred to Judge Alaimo.					
1-23-96	1164 ORDER [rendered by Judge Thompson] ON FOURTH FINAL FORFEITURE DIRECTING the U. S. Marshal forthwith release the within described property (real) to petitioner Mary Mitchell in accordance with the terms of the Stipulation for Compromise Settlement, and that the U.S. file an appropriate release of <u>Lis Pendens</u> ; that the right, title and interest to property described herein is hereby condemned, forfeited and vested in the U.S., and shall be disposed of according to law; that a copy of this order shall be recorded forthwith by the U.S. Marshal, and with the office of the Judge of Probate for Montgomery County, Alabama as further set forth in order; DIRECTING the Clerk to send a copy of this order to the U. S. Marshal. (Copy mailed counsel; furn. USA,USM.)					
1-26-96	1169 ORDER [rendered by Judge Alaimo] GRANTING the Govt.'s motion for return of all physical evidence entered by the parties to the U. S. Attorney's Office. (Copy mailed counsel; furn. USA.)					
1-26-96	1170 Petition For Interpleader filed by Regions Mortgage, Inc. (Exhibits A & B attached.) Referred to Magistrate Judge Coody.					
1-29-96	Received check in amount of \$13,566.89 made payable to Clerk of the Court, Receipt No. 58711 re: Regions Mortgage, Inc., Petition for Interpleader. (Re: 2682 Whispering Pine Drive, Montgomery, AL 36116).					
3-5-96	1173 Government's motion to distribute interpleaded insurance proceeds. Referred to Mag. Judge Coody.					
3-26-96	Court Reporter [Norma Hatfield] official transcript of 11/7/94 Opening Statements held before Hon. Anthony A. Alaimo.					
3-26-96	Court Reporter [Norma Hatfield] official transcript of 11/15/94 Closing Arguments of Mr. Teschner, Mr. Rubino, & Mr. Tobias before Hon. Anthony A. Alaimo.					

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs

MITCHELL, TERRY

NORTHERN

94-0062-02

Yr. Docket No. Def.

AO 256A *

DATE (Document No.)	PROCEEDINGS (continued)	Page 26	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
3-26-96	Court Reporter [Norma Hatfield] official transcript of 11/16/94 Closing Arguments (Conclusion), Jury Charge, Jury Questions before Hon. Anthony A. Alaimo.					
3-26-96	Court Reporter [Norma Hatfield] official transcript of 11/17/94 Jury Verdict before Hon. Anthony A. Alaimo.					
4-8-96	Received check in the amount of \$2.00 from Attorney Frank A. Rubino for payment of copies. Receipt #59580.					
5-20-96	1175 Amended stipulation for compromise and settlement. Referred to Mag. Judge Coody.					
5-23-96	1175A 2nd Notice of Appearance: J. Paul Lowery.					
5-29-96	1176 Amended stipulation for compromise and settlement between plaintiff USA and petitioner Regions Mortgage. Referred to Mag. Judge Coody.					
6-19-96	1177 Government's motion for return of Evidence. Referred to Magistrate Judge Coody per Judge Alaimo. (Motion GRANTED, 6-21-96 [Rendered by Mag. Judge Coody.] (Copies mailed counsel; furn. USA.)					
7-12-96	1178 Joint Motion for status conference concerning distribution of interpleaded insurance proceeds. Referred to Mag. Judge Coody.					
8-22-96	1179 Government's 2nd motion for status conference. Referred to Mag. Judge Coody.					
9-12-96	Received request from USCA, Eleventh Circuit for Certificate of Readiness.					
10-22-96	Certificate of Readiness of Record on Appeal mailed to USCA, Eleventh Circuit & Counsel.					
2-18-97	1191 Government's renewed Motion to Strike. Referred to Magistrate Judge Coody.					
2-18-97	1192 Government's motion for Distribution of Interpleaded Insurance Proceeds. Referred to Magistrate Judge Coody.					
2-20-97	1193 Government's motion for final Order of Forfeiture. Referred to Magistrate Judge Coody.					

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
3-14-97	1195 First Nationwide Mortgage Corporation's motion for a Scheduling Order. Referred to Magistrate Judge Coody.				
3-25-97	1196 First Nationwide Mortgage Corporation's brief in support of motion for a scheduling order. Referred to Mag. Judge Coody.				
4-4-97	1197 Government's RESPONSE to First Nationwide's motion for a scheduling order. (Exhibits A-D attached.) Referred to Mag. Judge Coody.				
5-7-97	1198 Joint motion to stay proceedings pending settlement negotiations, re: "First Nationwide". Referred to Mag. Judge Coody.				
5-20-97	1199 Petitioner, Vanzetta Clisby's response to the government's motion to strike petitioner's motion to set aside Order and return of petitioner's property with attached Exhibits A - F). Referred to Magistrate Judge Coody.				
5-20-97	1200 Petitioner, Vanzetta Clisby's affidavit and motion for discovery and inspection pursuant to Federal Rule of Civil Procedure Rule 26(a)(1). Referred to Magistrate Judge Coody.				
6-9-97	1203 ORDER granting motion for distribution of interpleaded insurance proceeds; directing the Clerk to distribute interpleaded insurance proceeds as follows: \$3,500.00 to Assets Forfeiture Fund; \$4,009.64 to Mitch Henry, Attorney for Regions Mortgage; directing the U.S. to file release of lis pendens. (Copy furn. USA,USM,Fin.; mailed counsel.)				
6-12-97	1204 ORDER that the Clerk is to disburse the sum of \$3,770.60 to U.S. Marshals Service-Assets Forfeiture Fund; \$4,319.61 to Mitch Henry, Attorney for petitioner Regions Mortgage, c/o Rushton, Stakely, Johnston & Garrett; directing the Clerk to pay into the Treasury \$63.42 representing 10% of interest as handling fee; directing Clerk to withdraw \$8,153.63 from money market account of Regions Bank of Montgomery and disburse said funds per this order. (Copy mailed counsel; furn. USA, financial.)				
10-9-97	Received request from USCA, 11th Cir. for ROA.				
10-17-97	Entire Record on Appeal (11 volumes pleadings 52 Volumes transcripts, 3 Envelopes Exhibits & 1 SEALED PSI) picked up by UPS for delivery to USCA, Eleventh Circuit at request of Ed McElhenney.				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs

AO 256A

MITCHELL, TERRY

94-00062-02
Yr. Docket No. Def.

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
8-10-98	1218 Petitioner, Vanzetta Clisby's response to the Government's Notice of Intent to execute Final Order of Forfeiture. Referred to Magistrate Judge Coody.				
10-6-98	PER CURIAM OPINION: (entered 8/7/98) of the U.S. Court of Appeals, Eleventh Circuit.				
10-6-98	1222 JUDGMENT (rendered 8/7/98, is issued as the mandate 10/5/98) of the U.S. Court of Appeals, Eleventh Circuit, ordered and adjudged that the judgment of convictions of the District Court and sentences imposed as to all defendants, with the exception of defendant Hughes, in these causes be and the same are hereby AFFIRMED; that the judgment of conviction and sentence imposed as to defendant Hughes is hereby VACATED; and that this cause be and the same is hereby REMANDED to said District Court for further proceedings in accordance with the opinion of this Court for resentencing of Houghes. (Before: DUBINA and MARCUS, Circuit Judges, and HILL, Senior Circuit Judge.) [95-6423] (RECALLED 10-15-98 by USCA)				
10-6-98	Entire Record on Appeal (11 volumes pleadings, 52 volumes transcripts, 3 envelopes exhibits & 1 SEALED PSI) returned by USCA, 11th Circuit. SEALED PSI RETURNED TO VAULT.				
10-29-98	1224 JUDGMENT (Reissued 10/28/98, is issued as the mandate) of the U.S. Court of Appeals, Eleventh Circuit, ordered and adjudged by this Court that the judgment of convictions of the said District Court and sentences imposed as to all defendants, with the exception of the defendant Hughes, in these causes be and the same are hereby AFFIRMED; that the judgment of conviction and sentence imposed as to defendant Hughes is hereby VACATED; and that this cause be and the same is hereby REMANDED to the District Court for further proceedings in accordance with the opinion of this Court for resentencing of Huhges. (Before DUBINA and MARCUS, Circuit Judges, and HILL, Senior Circuit Judge.)				

UNITED STATES DISTRICT COURT

CRIMINAL DOCKET

AO 256A

TERRY MITCHELL

94-00062-02

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
2-22-00	1362 Defendant's motion to vacate, set aside, or correct sentence under 28 USC 2255. Referred to Mag. Judge Coody/Anderson. (Copies furnished USA and USPO.) CV 00-T-198-N. (Judge Alaimo see 4/13/00 entry)				
2-29-00	1370 Mag. Judge Coody's ORDER directing United States to file an answer to 2255 motion within 20 days from the date of this order. (Copies mailed to deft; furn to usa.)				
3-20-00	1381 Government's RESPONSE to Motion Pursuant to 28:2255; MOTION for Summary Judgment Referred to Judge Coody/ SA Anderson				
4-13-00	28:2255 MOTION ASSIGNED TO JUDGE ANTHONY ALAIMO per Judge Thompson.				
4-17-00	1395 Defendant's MEMORANDUM of Law in Support of Petition for Writ of Habeas Corpus and Reply to Government's Response. Referred to Mag Judge Coody/Sa Anderson.				
4-17-00	1396 Defendant's ANSWER to Court's Order to Show Cause Why Defendant's 2255 Motion Should not be Dismissed. Referred to Mag Judge Coody/SA Anderson.				
4-27-00	1403 Magistrate Judge Coody's ORDER that on or before 5/15/00 the United States shall file an answer addressing the merits of the arguments contained in defendant's 2255 motion. (Copies mailed to dft and counsel and furnished USA, USPO.)				
4-27-00	1404 Magistrate Judge Coody's RECOMMENDATION that the government's motion for immediate summary judgment filed on 3/20/00 be DENIED and that the 2255 motion be referred back to the undersigned for additional proceedings. (Copies mailed to counsel and dft and furnished USA, USPO.)				
5-15-00	141 Government's RESPONSE to Motion to Vacate, Set Aside or Correct Sentence Filed Pursuant to Title 28, U.S.C. 2255. Referred to Mag Judge Coody/SA Anderson.				
SEE ICMS FOR FURTHER DOCKET ENTRIES					

27BC, APPEAL, MHT-ClerkB, SC

**U.S. District Court
Alabama Middle District (Montgomery)
CRIMINAL DOCKET FOR CASE #: 2:94-cr-00062-MHT-CSC-2
Internal Use Only**

Case title: USA v. Andrews, et al

Date Filed: 11/17/1994

Assigned to: Honorable Myron H.
Thompson

Referred to: Honorable Charles S.
Coody

Defendant

Terry Mitchell (2)

represented by **Terry Mitchell**
Reg No. 09295-002
Jesup Federal Correctional Institution
2680 Hwy. 301 South
Jesup, GA 31599
PRO SE

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Disposition

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

United States of Americarepresented by **Louis V. Franklin, Sr.**U.S. Attorney's Office
PO Box 197Montgomery, AL 36101-0197
334-223-7280

Fax: 223-7560

Email: louis.franklin@usdoj.gov

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Stephen P. Feaga**U.S. Attorney's Office
PO Box 197Montgomery, AL 36101-0197
334-223-7280

Fax: 223-7560

Email: steve.feaga@usdoj.gov

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/17/1994		**Added party Oscar Andrews, Terry Mitchell, Richard Thomas, Curtis Lee Drayton, Lorenzo Hughes, Nathaniel Salery, Curtis Bell, Ulysses Morris, Mary Morrow, Donald Minnifield, Frank Sowers, Geraldine Frazier, Gerald Wells, Dennis Price, James Donald Bowman, Ronald Lander, Wallace Salery, Mary Mitchell, Jerry Lindsey Artis for 2255 Proceedings (snc) (Entered: 05/22/2000)
11/17/1994		**Added Government Attorney Louis V. Franklin Sr. as to Oscar Andrews, Terry Mitchell, Richard Thomas, Curtis Lee Drayton, Robert L. Franklin, Lorenzo Hughes, Nathaniel Salery, Curtis Bell, Ulysses Morris, Mary Morrow, Donald Minnifield, Frank Sowers, Geraldine Frazier, Gerald Wells, Dennis Price, James Donald Bowman, Ronald Lander, Wallace Salery, Mary Mitchell, Jerry Lindsey Artis (snc) (Entered: 05/22/2000)
11/17/1994		CASE assigned to Judge Anthony A. Alaimo (snc) (Entered: 05/22/2000)
11/17/1994		Magistrate Judge Charles S. Coody assigned to case for discovery matters as well as matters subsequently referred by District Judge Anthony A. Alaimo . (snc) (Entered: 05/22/2000)
07/08/1999		Notice of Appeal docketed and transmitted to USCA, Eleventh Circuit re: appeal by Curtis Drayton (snc) (Entered: 06/01/2000)
07/30/1999	1293	Received Jurisdictional question from USCA, Eleventh Circuit of whether the district court's 6/15/99 order denying the "motion to stay pending disposition of movant's motion to stay and motion for discovery" is final and appealable? (snc) (Entered: 06/01/2000)

08/17/1999		Original papers as to Curtis Drayton sent to USCA, Eleventh Circuit per their request (6 volumes of original papers) (snc) (Entered: 06/01/2000)
08/20/1999		Received acknowledgment of receipt of 6 vols of the record on appeal sent to USCA, Eleventh Circuit (snc) (Entered: 06/01/2000)
09/28/1999	1307	Received certified copy of DISMISSAL for lack of jurisdiction (received 9/27/99, rendered 9/23/00) of the U.S. Court of Appeals, Eleventh Circuit, that the district court's June 15 order, denying discovery, is not final under 28 USC 1291 because it does not end the litigation on the merits, that the order, moreover, does not fall within the collateral-order exception because it can be reviewed effectively on appeal from a final judgment, that because this Court lacks jurisdiction, appellant's motion for leave to proceed in forma pauperis is DENIED as moot. (Before: TJOFLAT, COX and HULL, Circuit Judges.) [99-12143-J] [DISMISSAL IS ISSUED IN LIEU OF THE MANDATE] (snc) (Entered: 06/01/2000)
10/04/1999		File referred to SA Anderson (snc) (Entered: 06/01/2000)
10/21/1999		File referred to Judge Coody/SA Anderson (snc) (Entered: 06/01/2000)
02/22/2000		**Added (ip) party Terry Mitchell, Federal Correctional Facility, 2680 Highway 201 South, Jessup, GA 31599 (snc) (Entered: 05/23/2000)
02/22/2000	1362	MOTION by Terry Mitchell to Vacate under 28 U.S.C. 2255 [1362-1] referred to Mag. Judge Charles S. Coody/SA Anderson (CA No. 00-T-198-N) (Judge Alaimo; see 4/13/00 entry) (snc) Modified on 05/23/2000 (Entered: 05/23/2000)
02/29/2000	1370	ORDER as to Terry Mitchell, Response to Motion set for 3/20/00 for United States for [1362-1] motion to Vacate under 28 U.S.C. 2255 (Signed by Mag. Judge Charles S. Coody) Copies mailed to: dft and counsel, Copies furnished to: USA, USPO (snc) Modified on 06/15/2000 (Entered: 05/23/2000)
03/20/2000	1381	RESPONSE by USA as to Terry Mitchell re [1362-1] motion to Vacate under 28 U.S.C. 2255 referred to Mag. Judge Charles S. Coody/SA Anderson (snc) (Entered: 05/23/2000)
03/20/2000	1381	MOTION (incorporated in response) by USA as to Terry Mitchell for Summary Judgment [1381-1] referred to Mag. Judge Charles S. Coody/SA Anderson (snc) (Entered: 05/23/2000)
04/13/2000		28:2255 MOTIONS ASSIGNED TO JUDGE ALAIMO (PER JUDGE THOMPSON) (snc) Modified on 06/01/2000 (Entered: 05/23/2000)
04/17/2000	1395	MEMORANDUM by Terry Mitchell in support of [1362-1] motion to Vacate under 28 U.S.C. 2255 Referred to Judge Coody/SA Anderson (snc) (Entered: 05/23/2000)
04/17/2000	1396	RESPONSE by Terry Mitchell to Court's Order to Show Cause Why Defendant's 2255 Motion should not be dismissed. Referred to Judge Coody/SA Anderson (snc) (Entered: 05/23/2000)

04/27/2000	1403	ORDER as to Terry Mitchell that on or before 5/15/00 the government shall file an answer as outlined in order re 2255 motion (Signed by Mag. Judge Charles S. Coody) Copies mailed to: counsel and dft, Copies furnished to: USA, USPO (snc) (Entered: 05/23/2000)
04/27/2000		REPORT AND RECOMMENDATIONS of Mag. Judge Charles S. Coody as to Terry Mitchell Re: Government's Motion for Summary Judgement that motion be denied and that 2255 be referred back to Magistrate for additional proceedings Copies mailed to: dft and counsel, Copies furnished to: USA, USPO (Copy faxed to Judge Alaimo) (snc) (Entered: 05/23/2000)
05/12/2000	1412	AFFIDAVIT of Joi Marie Hall Re: [1346-1] supplemental amended motion Supplemental to Vacate under 28 U.S.C. 2255, [1342-1] to Vacate under 28 U.S.C. 2255 Referred to Judge Coody/SA Anderson (snc) (Entered: 06/09/2000)
05/12/2000	1413	AFFIDAVITS of Camilia Lander and Donald B. Lander with attachments Re: [1346-1] supplemental amended motion to Vacate under 28 U.S.C. 2255, [1342-1] motion to Vacate under 28 U.S.C. 2255 Referred to Judge Coody/SA Anderson (snc) (Entered: 06/09/2000)
05/15/2000	1415	RESPONSE by USA as to Terry Mitchell re [1362-1] motion to Vacate under 28 U.S.C. 2255 referred to Mag. Judge Charles S. Coody/SA Anderson (snc) (Entered: 05/23/2000)
05/22/2000		(snc) (Entered: 05/22/2000)
06/14/2000	1434	ORDER (Rendered 6/8/00) adopting the recommendation of the Magistrate Judge filed on 4/27/00 as to Terry Mitchell denying [1381-1] motion for Summary Judgment as to Terry Mitchell (2); referring defendant's 2255 motion to U.S. Magistrate Judge Charles S. Coody for additional proceedings (Signed by Judge Anthony A. Alaimo) Copies mailed to: counsel (Rubino), Copies furnished to: USA, PO, PTSO, SNC. (dkt clerk) Modified on 06/14/2000 (Entered: 06/14/2000)
07/18/2000	1453	MOTION by Terry Mitchell to Adopt Supplemental Memorandum of Law Submitted by Defendant Nathaniel Salery [1453-1] referred to Mag. Judge Charles S. Coody/SA Anderson (snc) (Entered: 07/18/2000)
07/20/2000	1456	ORDER as to Terry Mitchell granting [1453-1] motion to Adopt Supplemental Memorandum of Law Submitted by Defendant Nathaniel Salery as to Terry Mitchell (2), directing the government to file a response to the argument contained in the supplemental memorandum of law (Signed by Mag. Judge Charles S. Coody) Copies mailed to: counsel, Copies furnished to: USA (snc) Modified on 07/21/2000 (Entered: 07/21/2000)
07/27/2000	1462	MOTION by USA as to Terry Mitchell to Extend Time to Respond to Petitioner's Supplemental Section 2255 Motion [1462-1] referred to Mag. Judge Charles S. Coody/SA Anderson (snc) (Entered: 08/01/2000)

08/07/2000	1467	ORDER as to Terry Mitchell granting [1462-1] motion to Extend Time to Respond to Petitioner's Supplemental Section 2255 Motion as to Terry Mitchell (2), Response to Motion reset for 9/5/00 for government re supplemental [1362-1] motion to Vacate under 28 U.S.C. 2255 (Signed by Mag. Judge Charles S. Coody) Copies mailed to: counsel and dft, Copies furnished to: USA, USPO (snc) (Entered: 08/08/2000)
03/29/2001		**Added (ip) parties Montgomery U.S. Probation, U.S. Pretrial, US Marshals Service (snc) (Entered: 03/29/2001)
04/19/2001	<u>1524</u>	ORDER as to Terry Mitchell directing that any amendment to the 2255 motion shall be filed on or before 5/21/01 (Signed by Mag. Judge Charles S. Coody) Copies mailed to: dft, Copies faxed to: USA, USPO (snc) Modified on 04/19/2001 (Entered: 04/19/2001)
05/08/2001		**Reset last document number to 1536 (snc) (Entered: 05/08/2001)
07/20/2001	1562	Atty Rubino's ANSWER to Court Order Referred to Judge Coody(snc) Modified on 04/03/2003 (Entered: 07/27/2001)
08/20/2001	1563	AFFIDAVIT of Frank A. Rubino Re: [1546-1] supplemental amended motion to Vacate under 28 U.S.C. 2255 Referred to Mag Judge Charles Coody/SA Anderson (snc) (Entered: 08/20/2001)
10/16/2001	<u>1572</u>	ORDER as to Terry Mitchell, Nathaniel Salery, Mary Morrow directing the government to show cause by 10/26/01 why the government has failed to respond to this court's orders (Signed by Mag. Judge Charles S. Coody) Copies mailed to: dft, Copies furnished to: counsel, USA, USPO (snc) (Entered: 10/16/2001)
10/18/2001	1573	RESPONSE (attached to response to show cause order) by USA as to Terry Mitchell re [1362-1] motion to Vacate under 28 U.S.C. 2255 referred to Mag. Judge Charles S. Coody/SA (snc) (Entered: 10/19/2001)
02/10/2003		**Added (ip) party Richard Q. Thomas, 163 North Haardt Drive, Montgomery, AL 36105 (snc) (Entered: 02/11/2003)
04/03/2003		Copy of 2255 Record furnished Atty Petersen pursuant to DN 1594 (snc) (Entered: 04/03/2003)
05/20/2003	<u>1617</u>	REPORT AND RECOMMENDATIONS of Mag. Judge Charles S. Coody as to Terry Mitchell Re: [1362-1] motion to Vacate under 28 U.S.C. 2255 ; Motion no longer referred Objections to R and R due by 6/2/03 Copies mailed to: dft, Copies furnished to: usa (snc) (Entered: 05/20/2003)
06/09/2003	<u>1624</u>	OPINION as to Terry Mitchell re motion to vacate, set aside, or correct sentence (Signed by Judge Myron H. Thompson) Copies mailed to: dft, Copies furnished to: dft, usa, uspo (snc) (Entered: 06/09/2003)
06/09/2003	<u>1625</u>	JUDGMENT as to Terry Mitchell adopting the recommendation of the Mag Judge entered on 5/20/03 (DN 1617) denying [1362-1] motion to Vacate under 28 U.S.C. 2255 as to Terry Mitchell (2), taxing costs against

		defendant Mitchell , and DIRECTING the clerk to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure (Signed by Judge Myron H. Thompson) Copies mailed to: dft, Copies furnished to: Atty Rubino, usa, uspo (snc) (Entered: 06/09/2003)
06/18/2003		** Renoticed document [1638-1] order to select counsel and dft for service (snc) (Entered: 06/18/2003)
08/15/2003		USCA Case Number Re: [1690-1] appeal by Nathaniel Salery USCA NUMBER: 03-14035-J (kcg) (Entered: 08/18/2003)
09/17/2003		REQUEST for Original Papers from USCA re: [1690-1] appeal by Nathaniel Salery (kcg) (Entered: 10/29/2003)
10/02/2003		**Reset last document number to 1717 (kcg) (Entered: 10/02/2003)
10/15/2003		USCA Case Number Re: [1710-1] appeal by Donald Minnifield USCA NUMBER: 03-15103-J (kcg) (Entered: 10/20/2003)
10/17/2003		USCA Case Number Re: [1718-1] appeal by Oscar Andrews USCA NUMBER: 03-15104-J (kcg) (Entered: 10/20/2003)
10/30/2003		**Terminated document(s) as to Oscar Andrews, terminating [1546-2] supplemental amended motion as to Oscar Andrews (1) per Judge Coody "rendered moot by final judgment; duplicative motion (snc) (Entered: 10/30/2003)
11/04/2003		Received acknowledgment of receipt of Original Papers from USCA. (kcg) (Entered: 11/04/2003)
11/04/2003		REQUEST for Original Papers from USCA re: [1711-1] appeal by Curtis Drayton (ydw) (Entered: 12/04/2003)
11/04/2003		REQUEST for Original Papers from USCA re: [1710-1] appeal by Donald Minnifield (ydw) (Entered: 12/04/2003)
11/20/2003	<u>1744</u>	Entry of Dismissal of Appeal as to Robert Franklin Re: pursuant to dismissing [1712-1] appeal, terminated., for want of prosecution because the appellant has failed to pay the \$100 docketing and \$5 filing fees (\$105) to the district court clerk the time fixed by the rules, effective this 17th day of November, 2003. (ydw) Modified on 01/21/2004 (Entered: 11/25/2003)
11/20/2003		REQUEST for Original Papers from USCA re: [1718-1] appeal by Oscar Andrews (ydw) (Entered: 12/04/2003)
11/26/2003		** Renoticed document [1748-1] notice (to fax to counsel, etc.) (snc) (Entered: 11/26/2003)
12/16/2003		ACKNOWLEDGEMENT of RECEIPT of RECORD ON APPEAL from USCA Re: [1710-1] appeal by Donald Minnifield USCA Number: 03-15103-J (ydw) (Entered: 12/16/2003)

12/16/2003		ACKNOWLEDGEMENT of RECEIPT of RECORD ON APPEAL from USCA Re: [1711-1] appeal by Curtis Drayton USCA Number: 03-15102-J (ydw) (Entered: 12/16/2003)
12/16/2003		ACKNOWLEDGEMENT of RECEIPT of RECORD ON APPEAL from USCA Re: [1718-1] appeal by Oscar Andrews USCA Number: 03-151040-J (ydw) (Entered: 12/16/2003)
12/29/2003		ORIGINAL PAPERS returned from U.S. Court of Appeals: [1690-1] appeal (ydw) (Entered: 12/29/2003)
01/09/2004		REQUEST for Original Papers from USCA re: [1745-1] appeal by Frank Sowers (ydw) (Entered: 01/22/2004)
01/20/2004	<u>1761</u>	Entry of Dismissal of Appeal as to Ronald Lander Re: pursuant to dismissing [1740-1] appeal, terminated., for want of prosecution because the appellant has failed to pay the \$250 docketing and \$5 filing fee (\$255) to the district court clerk within the time fixed by the rules, effective this 15th day of January, 2004. FOR THE COURT - BY DIRECTION (ydw) (Entered: 01/21/2004)
01/21/2004		Original Papers returned from U.S. Court of Appeals: [1718-1] appeal (ydw) (Entered: 01/22/2004)
01/21/2004		Original Papers returned from U.S. Court of Appeals: [1711-1] appeal (ydw) (Entered: 01/22/2004)
01/21/2004		Original Papers returned from U.S. Court of Appeals: [1710-1] appeal (ydw) (Entered: 01/22/2004)
01/22/2004		Certified and transmitted Original Papers to U.S. Court of Appeals: [1745-1] appeal by Frank Sowers (ydw) (Entered: 01/22/2004)
01/29/2004		ACKNOWLEDGEMENT of RECEIPT of RECORD ON APPEAL from USCA Re: [1745-1] appeal by Frank Sowers USCA Number: 03-16060-J (ydw) (Entered: 01/30/2004)
02/18/2004		REQUEST for Original Papers from USCA re: [1740-1] appeal by Ronald Lander (ydw) (Entered: 02/18/2004)
02/26/2004		ACKNOWLEDGEMENT of RECEIPT of RECORD ON APPEAL from USCA Re: [1740-1] appeal by Ronald Lander USCA Number: 03-15807-J (ydw) (Entered: 02/26/2004)
05/04/2004		***Set MHT-Clerk B Flag as to all defendants (djj,) (Entered: 05/04/2004)
05/18/2004		***Set MHT-Clerk B Flag as to Robert L. Franklin, Oscar Andrews, Terry Mitchell, Richard Thomas, Curtis Drayton, Lorenzo Hughes, Nathaniel Salery, Curtis Bell, Ulysses Morris, Mary Morrow, Donald Minnifield, Frank Sowers, Geraldine Frazier, Gerald Wells, Dennis Price, James Donald Bowman, Ronald Lander, Wallace Salery, Mary Mitchell, Jerry Lindsey Artis (snc) (Entered: 05/18/2004)

06/15/2004	●	Judge update in case (for cm/ecf notification purposes per Judge Thompson) as to Robert L. Franklin, Oscar Andrews, Terry Mitchell, Richard Thomas, Curtis Drayton, Lorenzo Hughes, Nathaniel Salery, Curtis Bell, Ulysses Morris, Mary Morrow, Donald Minnifield, Frank Sowers, Geraldine Frazier, Gerald Wells, Dennis Price, James Donald Bowman, Ronald Lander, Wallace Salery, Mary Mitchell, Jerry Lindsey Artis. Judge Myron H. Thompson added. Judge Anthony Alaimo no longer assigned to case. (snc) (Entered: 07/13/2004)
11/17/2004	● <u>1809</u>	ORDER as to Robert L. Franklin, Oscar Andrews, Terry Mitchell, Richard Thomas, Curtis Drayton, Lorenzo Hughes, Nathaniel Salery, Curtis Bell, Ulysses Morris, Mary Morrow, Donald Minnifield, Frank Sowers, Geraldine Frazier, Gerald Wells, Dennis Price, James Donald Bowman, Ronald Lander, Wallace Salery, Mary Mitchell, Jerry Lindsey Artis directing the Clerk to withdraw funds from the court registry savings and to deposit funds in the Treasury's Unclaimed Money Fund account and to make disbursements as outlined in order. Signed by Judge Myron H. Thompson on 11/17/04. (Copy to Financial Clerk) (snc) (Entered: 11/17/2004)
06/27/2005	● <u>1851</u>	MOTION to Reconsider <u>1625</u> Order Denying 18:2255 Motion and/or NOTICE OF APPEAL (MOTION to Treat Appeal as Timely Filed incorporated therein) by Terry Mitchell. (snc) (Entered: 06/29/2005)
07/01/2005	● <u>1852</u>	ORDER denying <u>1851</u> Motion to reconsider, etc. as to Terry Mitchell (2). Signed by Judge Myron H. Thompson on 7/1/05. (snc) (Entered: 07/01/2005)
07/13/2005	● <u>1857</u>	MOTION to Reconsider re <u>1852</u> Order denying Motion for Reconsideration by Terry Mitchell. (ydw,) (Entered: 08/22/2005)
08/03/2005	● <u>1858</u>	MOTION for status of his re <u>1857</u> motion to reconsider time to reopen to file an appeal by Terry Mitchell. (ydw,) (Entered: 08/22/2005)
08/24/2005	● <u>1859</u>	ORDER denying <u>1857</u> Motion for Reconsideration as to Terry Mitchell (2), and denying <u>1858</u> Motion for Status as to Terry Mitchell (2). With this order, the court has denied the motion which is at issue in the status motion. Signed by Judge Myron H. Thompson on 8/24/05. (snc) (Entered: 08/24/2005)
10/11/2005	● <u>1866</u>	Pro Se MOTION to Set Aside Judgment by Terry Mitchell. (snc) (Entered: 10/12/2005)
10/13/2005	● <u>1867</u>	ORDER as to Terry Mitchell denying <u>1866</u> MOTION to Set Aside Judgment filed by Terry Mitchell. Signed by Judge Myron H. Thompson on 10/13/05. (ws) (Entered: 10/13/2005)
10/28/2005	● <u>1868</u>	Pro Se MOTION for Reconsideration and/or Clarification by Terry Mitchell. (snc) (Entered: 11/01/2005)
11/03/2005	● <u>1869</u>	ORDER denying <u>1868</u> Motion for Reconsideration and/or Clarification as to Terry Mitchell (2). Signed by Judge Myron H. Thompson on 11/3/05.

		(snc) (Entered: 11/03/2005)
11/14/2005	● <u>1870</u>	NOTICE OF APPEAL by Terry Mitchell to the United States Court of Appeals Eleventh Circuit from the <u>1869</u> Order denying Motion for Reconsideration, entered on 11/3/05. Copies mailed (ydw,) (Entered: 11/15/2005)
11/14/2005	●	NOTICE OF APPEAL <u>1870</u> construed as containing MOTION for Leave to Appeal In Forma Pauperis, MOTION for Certificate of Appealability by Terry Mitchell. (dmn) (Entered: 11/18/2005)
11/15/2005	●	Transmission of Notice of Appeal and Certified Copy of Docket Sheet and Order as to Terry Mitchell to US Court of Appeals re <u>1870</u> Notice of Appeal - Interlocutory (ydw,) (Entered: 11/15/2005)
11/18/2005	● <u>1871</u>	ORDER construing the <u>1870</u> Notice of Appeal as a Motion to Proceed on Appeal in forma pauperis as to Terry Mitchell (2); denying Motion for Leave to Appeal in forma pauperis; and that the appeal in this cause is certified, pursuant to 28 U.S.C.A. 1915(a), as not taken in good faith. Signed by Judge Myron H. Thompson on 11/17/2005. (dmn) (Entered: 11/18/2005)
11/18/2005	● <u>1872</u>	ORDER construing the <u>1870</u> Notice of Appeal as Motion for Certificate of Appealability as to Terry Mitchell (2); denying Motion for Certificate of Appealability. Signed by Judge Myron H. Thompson on 11/17/2005. (dmn) (Entered: 11/18/2005)
11/23/2005	●	USCA Case Number 05-16359-A for <u>1870</u> Notice of Appeal - Interlocutory filed by Terry Mitchell. (dmn) (Entered: 11/28/2005)
12/12/2005	●	USCA Appeal Fees received \$ 255.00, receipt number 108702 as to Terry Mitchell re <u>1870</u> Notice of Appeal - Interlocutory (ydw,) (Entered: 12/12/2005)
01/30/2006	●	Request for Original Papers By USCA Eleventh Circuit re: 05-16359-A, <u>1870</u> Notice of Appeal (ydw,) (Entered: 01/30/2006)